

09-26-05

Express Mail Mailing Label No.: EV 668187968 US *(# AF JFW)*

**TRANSMITTAL  
FORM**



Application Serial Number	09/754,831
Filing Date	January 3, 2001
First Named Inventor	Oppermann
Group Art Unit	1646
Examiner Name	Kemmerer, Elizabeth
Attorney Docket No.	STK-008CN
Patent No.	Not applicable
Issue Date	Not applicable

**ENCLOSURES (check all that apply)**

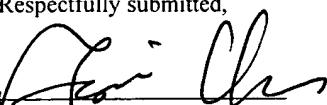
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s)	<input checked="" type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate)
<input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Pursuant to 37 C.F.R. 41.33(b)(1)	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
<input checked="" type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Amendment After Allowance	
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

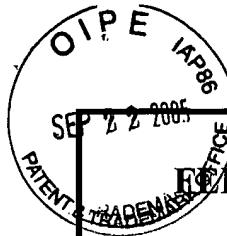
**CORRESPONDENCE ADDRESS**

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 Kirkpatrick & Lockhart Nicholson  
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 75 State Street  
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**SIGNATURE BLOCK**

Date: September 23, 2005  
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Respectfully submitted,  
  
 Fangli Chen, Ph.D.  
 Agent for Applicant(s)  
 Kirkpatrick & Lockhart Nicholson  
 Graham LLP  
 75 State Street  
 Boston, MA 02109-1808



Express Mail Mailing Label No.: EV668187968US

**FEE TRANSMITTAL  
FY 2005**

		Complete if Known	
Application Serial Number	09/754,831		
Filing Date	January 3, 2001		
First Named Inventor	Oppermann		
Group Art Unit	1646		
Examiner Name	Kemmerer, Elizabeth		
Attorney Docket No.	STK-008CN		

<b>METHOD OF PAYMENT</b>		<b>FEES CALCULATION (continued)</b>		
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES		
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-1721. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
3. <input type="checkbox"/> Applicant claims small entity status.				Fee Paid
<b>FEES CALCULATION</b>				
1. FILING/SEARCH/EXAM/SIZE FEES				
Large Entity	Fee (\$)	Fee Description	Fee Paid	
	300	Utility filing fee		
	500	Utility search fee		
	200	Utility exam fee		
	250	Utility size fee (each add'l 50 pgs. over 100)		
	200	Design filing fee		
	100	Design search fee		
	130	Design exam fee		
	250	Design size fee (each add'l 50 pgs. over 100)		
	Number Filed	Number Extra	Rate	Amount
Total Claims	- 20 =		x \$ 50.00 =	
Independent Claims	- 3 =		x \$200.00 =	
<input type="checkbox"/> Multiple Dependent Claim(s), if any	\$360.00 =			
	TOTAL:			
	SMALL ENTITY DISCOUNT:			
	SUBTOTAL (1)	(\$)	0	
2. AMENDMENT CLAIM FEES				
Claims	Highest No.	Present	Rate	Fee Paid
Remaining	Previously	Extra		
After Amend.	Paid For			
Total	-	=	x \$ 50.00 =	
Indep.	-	=	x \$ 200.00 =	
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$ 360.00 =	
	TOTAL:	(\$)		
	SMALL ENTITY DISCOUNT:	(\$)		
	SUBTOTAL (2)	(\$)	0	
<b>CORRESPONDENCE ADDRESS</b>				
Direct all correspondence to: Patent Administrator Kirkpatrick & Lockhart Nicholson Graham LLP 75 State Street Boston, MA 02109-1808 Tel. No.: (617) 261-3100 Fax No.: (617) 261-3175			<b>SIGNATURE BLOCK</b> Respectfully submitted,  Fangli Chen, Ph.D. Agent for the Applicants Kirkpatrick & Lockhart Nicholson Graham LLP 75 State Street Boston, MA 02109-1808	



**PATENT**  
Attorney Docket No. STK-008CN

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Oppermann *et al.*

SERIAL NO.: 09/754,831 GROUP NO.: 1646

FILING DATE: January 3, 2001 EXAMINER: E. C. Kemmerer

TITLE: NUCLEIC ACID MOLECULES ENCODING OSTEOGENIC PROTEINS (As Amended)

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

*RESPONSE UNDER 37 C.F.R. § 1.116*  
*EXPEDITED PROCEDURE*  
*EXAMINING GROUP NO. 1644*

**AMENDMENT AND RESPONSE**

Dear Sir:

This paper is filed together with a Notice of Appeal in response to the Office Action, made final, mailed from the U.S. Patent and Trademark Office (USPTO) on March 24, 2005, and to the Advisory Action faxed from the USPTO on September 12, 2005, for the above-identified patent application. Applicants enclose a petition and fee for a three-month extension of time to Monday September 26, 2005, for responding to the Office Action. If any further petition or fee is required, please consider this a conditional petition therefor and a conditional authorization to charge Deposit Account No. 50-1721.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 4 of this paper.